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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,588	04/03/2001	Mazen Chmaytelli	010042	3724
23696	7590	06/06/2006	EXAMINER RAMPURIA, SHARAD K	
QUALCOMM, INC 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			ART UNIT 2617	PAPER NUMBER

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/825,588	<b>Applicant(s)</b> CHMAYTELLI ET AL.	
	<b>Examiner</b> Sharad Rampuria	<b>Art Unit</b> 2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 4-6, 9-11 and 20-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-6, 9-11, 20-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

I. The Art Unit location of this application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

II. The current office-action is in response to the amendment filed on 02/27/2006.

***Continued Examination Under 37 CFR 1.114***

III. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/27/2006 has been entered.

Accordingly, Claims 1-3, 7-8, 12-19 are cancelled and Claims 4-6, 9-11, 20-25 are pending for further examination as follows:

***Claim Rejections - 35 USC § 103***

IV. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject

matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

V. Claims 4-6, 9, 21, 25, are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (US 6496979) and Criss et al. (US 6643506).

As per claims 4, 25, Chen teaches:

A method for a wireless device capable of communicating over a wireless network and having operating software for supporting a computer platform on said wireless device capable of executing applications (Abstract, Col.12; 61-Col.13; 28), comprising:

Initializing said wireless device for normal communications over the wireless network (Col.13; 51-64)

After said receiving over the wireless networks a recall command identifying a specific application available for execution on said computer platform of said wireless device; (Col.14;

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49-67) and responsive to said recall command uninstalling said specific application. (Col.14; 49-67)

Chen fails to disclose booting-up the wireless devices. However, Criss teaches in an analogous art, that booting-up the wireless devices (Col.19; 52-Col.20; 62). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include booting-up the wireless devices in order to provide a system and method in which software upgrades are provided wirelessly to mobile devices upon detecting that software currently in the mobile devices is outdated.

As per claim 5, Chen teaches:

The method of claim 4, wherein the recall command comprises an identification of said specific application and an instruction for causing said wireless device to delete said specific application. (Col.14; 49-67)

As per claim 6, Chen teaches:

The method of claim 5, wherein the recall command is sent to the wireless device via a short- message service (SMS) message. (i.e. a message; Col.10; 47-Col.11; 19)

As per claim 9, Chen teaches:

The method of claim 5 wherein said step of uninstalling comprises; searching a database on said wireless device using said identification to determine an address range corresponding to said specific application and deleting contents of said address range. (Col.12; 61-Col.13; 28)

As per claim 21, Chen teaches:

The method of claim 5, wherein each recall command further comprises: a uninstall application, which when executed by a wireless device, deletes said specific application. (Col.14; 49-67)

***Claim Rejections - 35 USC § 102***

VI. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

VII. Claims 10-11, 20 & 22-24 are rejected under 35 U.S.C. 102 (e) as being anticipated by Chen et al.

As per claim 10, Chen teaches:

A method for a server (12; Fig.1) to cause a recall of a specific application installed on a subset of wireless devices selected from a set of wireless devices, each wireless device in said set capable of communicating over a wireless networks said server capable of communicating over said wireless network (Abstract, Col.12; 61-Col.13; 28) the method comprising:

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Maintaining a database for identifying each application installed on each wireless device of said set; (Col.13; 51-64)

Searching said database to identify said subset of wireless devices having said specific application installed; (Col.14; 49-67) and

Sending an application recall command to each wireless device in said subset. (Col.14; 49-67)

As per claims 11, Chen teaches:

The method of claim 10, wherein each recall command comprises an identification of said specific application and an instruction for causing one of said wireless devices from said subset of wireless devices to delete said specific application. (Col.14; 49-67)

As per claim 20, Chen teaches:

The method of claim 11, wherein the recall command is sent to the wireless device via a short message service (SMS) message. (i.e. a message; Col.10; 47-Col.11; 19)

As per claim 22, Chen teaches:

The method of claim 10, wherein each recall command further comprises:

A uninstall application, which when executed by a wireless device, deletes said specific application. (Col.14; 49-67)

As per claim 23, Chen teaches:

The method of claim 10, wherein each wireless device which receives said application recall command uninstalls an application identified in said application recall command. (Col.14; 49-67)

As per claim 24, Chen teaches:

The method of claim 10, wherein each wireless device which receives said application recall command responds to said application recall command by checking-in with a server on said wireless network to determine whether any installed applications requires uninstallation. (Col.12; 61-Col.13; 28)

### ***Response to Amendment***

VIII. Applicant's arguments with respect to claims 4-6, 9-11, 20-25 has been fully considered but is moot in view of the new ground(s) of rejection.

### ***Conclusion***

IX. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or [EBC@uspto.gov](mailto:EBC@uspto.gov).

Sharad Rampuria  
Examiner  
Art Unit 2617



CHARLES APPIAH  
PRIMARY EXAMINER